

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NATIONAL ACADEMY OF TELEVISION
ARTS AND SCIENCES, INC. and ACADEMY OF
TELEVISION ARTS & SCIENCES,

Plaintiffs,

v.

MULTIMEDIA SYSTEM DESIGN, INC. d/b/a
“CROWDSOURCE THE TRUTH”,

Defendant.

**CIVIL ACTION No.
20-cv-07269 (VEC)**

**[PROPOSED] ORDER
ENTERING FINAL DEFAULT
JUDGMENT AND PERMANENT
INJUNCTION AGAINST
DEFENDANT AND AWARDED
PLAINTIFF ATTORNEYS’ FEES
AND COSTS**

This matter comes before the Court upon Motion by Plaintiffs for the entry of a final judgment and permanent injunction by default against Defendant Multimedia System Design, Inc. d/b/a “Crowdsource the Truth” (“MSD”) and an award of attorneys’ fees and costs.

The Court, having considered the Affidavit of Margaret A. Esquenet in Support of Plaintiffs’ Motion for Default Judgment, Permanent Injunction, and Attorneys’ Fees and attached exhibits, Plaintiffs’ Memorandum of Law in Support of their Motion for Default Judgment, Permanent Injunction, and Attorneys’ Fees, and upon all other pleadings and paper on file in this lawsuit,¹ it is hereby ORDERED, ADJUDGED, AND DECREED as follows (hereinafter, “Default Judgment Order”):

I. Defendant’s Liability

- 1) Judgment is granted in favor of Plaintiffs on all claims asserted against MSD in the Amended Complaint;

II. Permanent Injunction

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Amended Complaint. (Dkt. 62.)

1) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that MSD, its respective officers, agents, servants, employees, successors and assigns, and all persons acting in concert with or under the direction of MSD (collectively “Defendant”), who receive actual notice of this Order, are permanently enjoined from:

- A. creating, reproducing, distributing, displaying, making derivative works of, advertising, marketing, promoting, offering for sale, selling, and/or otherwise using or featuring an image depicting the EMMY Statuette’s winged figure but replacing the Statuette’s atom with a depiction of the SARS-CoV-2 virus, as illustrated by the CDC (“Infringing Image”) or any other images consisting of or incorporating the EMMY Statuette and EMMY Statuette Design;
- B. directly or indirectly infringing in any manner any of Plaintiffs’ copyrights, trademarks, or other rights (whether now in existence or hereafter created), including, without limitation, the EMMY Statuette and EMMY Statuette Design;
- C. using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake, and/or to deceive members of the trade and/or the public as to the affiliation, connection, or association of any images and/or media created, used, advertised, marketed, promoted, distributed, displayed, offered for sale, or sold by Defendant with Plaintiffs;
- D. using, operating, maintaining, assisting, distributing, or supporting any website, email address, or social media account in connection with creating, reproducing, distributing, displaying, making derivative works of, advertising, marketing, promoting, offering for sale, selling, and/or otherwise using the Infringing Image

and/or other infringing images bearing Plaintiffs' EMMY Statuette and EMMY Statuette Design, or any of Plaintiffs' intellectual property rights; and

E. effecting assignments or transfers, forming new entities or associations, or any other means of creating, reproducing, distributing, displaying, making derivative works of, advertising, marketing, promoting, offering for sale, selling, and/or otherwise using the Infringing Image for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Default Judgment Order.

- 2) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant must destroy all copies of the Infringing Image and any and all media, advertising and promotional materials, and any other materials in the possession, custody, or control of Defendant that infringe any of Plaintiffs' trademarks, copyrights, or other rights including, without limitation, the EMMY Statuette and EMMY Statuette Design pursuant to 15 U.S.C. § 1118 and 17 U.S.C. § 503.
- 3) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant must remove each of the Twitter posts and YouTube videos identified in Plaintiffs' Amended Complaint containing false accusations and claims regarding Plaintiffs and Mr. Adam Sharp, as well as any other previously or subsequently posted Tweets, YouTube videos, or other statements previously or subsequently posted online and on social media which expressly target Plaintiffs or Adam Sharp.

III. Attorneys' Fees and Costs

- 1) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff is entitled to an award of attorneys' fees and costs in an amount to be determined through an inquest.

2) Miscellaneous Relief

- 1) Any failure by Defendant to comply with the terms of this Default Judgment Order shall be deemed contempt of Court, subjecting Defendant to contempt remedies to be determined by the Court, including fines and seizure of property; and
- 2) This Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Default Judgment Order.

SO ORDERED.

Date: January __, 2022
New York, NY

VALERIE CAPRONI
United States District Judge